

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

Grand Juror Doe,)
)
Plaintiff,)
)
v.) No. 4:15-cv-00006-RWS
)
Robert P. McCulloch, in his official capacity)
as Prosecuting Attorney for St. Louis)
County, Missouri,)
)
Defendant.)

MOTION TO ALTER OR AMEND JUDGMENT

Comes now Plaintiff, pursuant to Federal Rule of Civil Procedure 59(e), and moves this Court for entry of an order altering the judgment of May 5, 2015, to stay—rather than dismiss—this case pending resolution of Plaintiff's state law claims by the Missouri courts. In support, Plaintiff states:

1. Plaintiff brought this as-applied challenge to provisions of Missouri law that prohibit Plaintiff from discussing or expressing an opinion about Plaintiff's grand jury service, the witnesses and evidence, the State's counsel to the grand jury, and Defendant's characterizations of the grand juror's view. *See* Doc. # 1, at ¶ 50. Doe asserts that, as applied in the circumstances of this case, any interests that might justify the permanent prohibition on her public and private expression are outweighed by the protections guaranteed to speech by the express words of the Constitution.¹

¹ This Court's memorandum and order refers to Plaintiff using female pronouns. For the sake of consistency, Plaintiff will do the same.

2. On May 5, 2015, this Court exercised *Pullman* abstention to give Missouri's state courts "the opportunity to resolve this issue before Juror pursues a federal constitutional challenge." Doc. # 44, at p. 15. This Court dismissed Plaintiff's Complaint. Doc. # 45.

3. On May 29, 2015, Plaintiff presented her claims to the Missouri state courts by filing a petition for declaratory judgment. She expressly reserved her right to return to this Court for disposition of her First Amendment claim should Missouri's court hold against her on questions of state law.

4. For the reasons explained in the accompanying memorandum in support, Plaintiff requests this Court amend the May 5, 2015 judgment to stay—rather than dismiss—the Complaint.

WHEREFORE requests this Court amend its judgment to stay—rather than dismiss—this case pending resolution of Plaintiff's state law claims by the Missouri courts.

Respectfully submitted,

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Certificate of Service

I certify that on June 1, 2015, a copy of the foregoing was served by operation of the Court's CM/ECF system on counsel for Defendant.

/s/ Anthony E. Rothert